

IN THE HIGH COURT OF JUSTICE OF SOKOTO STATE
IN THE SOKOTO JUDICIAL DIVISION
HOLDEN AT SOKOTO
ON THE 12TH DAY OF DECEMBER, 2021
BEFORE HIS LORDSHIP:

HON. JUSTICE MOHAMMED MOHAMMED (JUDGE)

SUIT NO: SS/79^C/2020

BETWEEN:

THE STATE-----COMPLAINANT

AND

1. MUSTAPHA MUHAMMED

2. ABUBAKAR MUSTAPHA-----DEFENDANTS

Appearances:

Munira Ibrahim PSC for the prosecution.

L.O Akangbe Esq. with C.B. Sarkin Noma Esq. for the Defendants.

Munira Ibrahim PSC: The Defendants are in court.

JUDGMENT

Court: By a 3 Court charges dated 3/9/2020 and filed on the 15/9/2020 signed by Hon. Sulaiman Usman, SAN and Attorney General of Sokoto State. The Defendants were arraigned before this Court on the 29/9/2020 in connection with the offences of *criminal conspiracy, causing hurt in committing robbery and robbery* punishable under Sections 60, 289 and 247(2) (a) of the Sokoto State Penal Code Law, 2019.

The charges were read and explained to the Defendants in Hausa language to the satisfaction of the Court because the Defendants speak and understand Hausa Language. After the charges were

read and explained to the Defendants, the Defendants pleaded not guilty to all the three (3) Court charges. The charges to which the Defendants pleaded not guilty, are hereby reproduced below:-

Charges

1. ***“That you Mustapha Muhammed ‘M’ and Abubakar Mustapha (M) on 1st June, 2019 at about 002hrs at Kofar Kade Area Sokoto within the Sokoto, within the Sokoto Judicial Division did commit the offence of criminal conspiracy in that you agreed to do an illegal act to wit: attack and rob one Nasiru Bello ‘M’ and that same act was done in pursuance of the agreement and you thereby committed an offence punishable under Section 60 of the Sokoto State Penal Code Law, 2019.***
2. ***That you Mustapha Muhammed ‘M’ and Abubakar Mustapha ‘M’ on June, 2019 at about 002hrs at Kofar Kade Area Sokoto within the Sokoto Judicial Division did commit the offence of causing hurt in committing robbery in that having armed yourselves with cutlasses, unlawfully wounded one Nasiru Bello ‘M’ with the intent to rob his Daylong Motorcycle and thereby committed an offence punishable under Section 289 of the Sokoto State Penal Code Law, 2019.***
3. ***That you Mustapha Muhammed ‘M’ and Abubakar Mustapha ‘M’ on 1st June, 2019 at about 002hrs at Kofar Kade Area, Sokoto within the Sokoto Judicial division did commit the offence of robbery in that having armed yourselves with cutlasses, you jointly and violently robbed***

one Nasiru Bello ‘M’ of his Daylong Motorcycle and thereby committed an offence punishable under section 287(2) (a) of the Sokoto State Penal Code law, 2019.”

After the plea of not guilty of the Defendants, in its efforts to prove its case, the prosecution called three (3) witnesses and tendered four (4) exhibits marked as **Exhibits A, A1, B and C** respectively with the statements of the Defendants having because their admissibility will be determined in the course of this judgment if this Court is satisfied that the statements were in fact made by the Defendants voluntarily. **Exhibits “A” and “A1”** are the 2 cutlasses tendered through PW1 in person of inspector Abdul Umar.

Exhibits ‘B’ is the bond to produce exhibit evidence that the Daylong Motorcycle which is the subjected robbery in the case has been released to the victim of crime one Nasiru Bello and who testified as PW2.

Exhibit ‘C’ is the statement of one Sgt. Rabiou Saidu admitted in evidence without objection pursuant to Section 49 of the Evidence Act, 2011.

After the close of the prosecution’s case, the defence open their defence and called two (2) witnesses and thereafter close their case. The Defendants were the only witness who testified in their defence and tender no exhibit.

After the close of the case of the Defendants, the case was adjourned for counsel to adopt their respective written addresses. The defence counsel in his adopted written addresses formulated three (3) issues for determination at paragraph 3.1.1 of the defence counsel’s adopted written address and are hereby reproduced below as follow:-

1. *“Whether the prosecution has proved all the essential ingredients of the offence of armed robbery beyond reasonable doubt?”*
2. *Whether the prosecution has proved all the essential ingredients of the offence of causing grievous hurt beyond reasonable doubt?*
3. *Whether the prosecution has proved all the essential ingredients of the offence of conspiracy beyond reasonable doubt?”*

The prosecution on the other hand, formulated one (1) issue for determination at paragraph 2.1 of their adopted written address and is hereby reproduced as follows:-

“Whether the prosecution has proved its case beyond reasonable doubt regards been had to the evidence adduced before this Honourable Court?”

For the purpose of this Judgement, this Court has adopted the sole issue as formulated by the prosecution because the issue has property embodies all the three (3) issues formulated by the defence counsel and is hereby reproduced as follows:-

“Whether the prosecution has proved its case beyond reasonable doubt regards been had to the evidence adduced before this Honourable Court?”

The case of the prosecution against the two (2) Defendants, are as presented by the evidence of the three (3) prosecution witnesses and the exhibits tendered before this Court.

From the three (3) count charges with which the Defendants were arraigned before this Court, the Defendants were alleged to have committed the offences of *criminal conspiracy robbery and causing grievous hurt while committing robbery* punishable under Sections 60, 247(2) and 289 of the Sokoto State Penal Code Law 2019.

Arguing their position, the defence counsel submitted that the prosecution has failed to lead any potent evidence to prove any of the offences with which the Defendants were arraigned before this Court.

He argued that the purported confessional Statements of the 1st and 2nd Defendants were extracted from the Defendants under questionable circumstances render them involuntary and urge the Court to carefully evaluate the statements with a fine-tooth comb.

- **Hausa V. AGF (2012) LPELR 7821**
- **Achabua V. State (1976) NSCC74**
- **Idowu V. State (2000) 7SC Pt II P50**

He further argued that for a confessional statement to be reliable, it must be direct, positive, true and unequivocal of facts that satisfy the ingredients of the offence with which the accused person is charged.

- **Dibie V. State (2007) 9NWLR Pt 1038 P 30**
- **Otufale V. State (1968) NMLR P 261**

It was his submission that the evidence given by the prosecution during trial, under scores the unreliability of the confessional statement.

- **Daivo V. FRN (2012) 16NWLR Pt 1325 P129**
- **State V. Rabiou (2013) SNWLR Pt 1357 P585**

It was the submission of the defence counsel that the evidence of PW1 and PW3 being police officers, are essentially hearsay and inadmissible because the only evidence of an investigating officer that is admissible, is evidence of what he saw or discovered.

- **Kabiru V. State (2015) 9NWLR Pt 1464 P213**
- **Ojiako V. State (1991) 2NWLR Pt 175 P578.**
- **Okoro V. State (1998) 14NWLR Pt 584 P181**
- **Ugwumba V. State (1993) 5NWLR Pt 296 P660**

He argued that the motorcycle being the subject matter of the purported robbery is an essential exhibit which need to be tendered to show that there was robbery. That failure amounts to withholding evidence detrimental to the case of the prosecution.

- **Section 167(d) of the evidence Act**
- **C.O.P V. Ude (2021) 12NWLR Pt 1260 P 189**
- **Opeyemi V State (1985) 2NWLR Pt 510 P 109**

As to the offence of causing hurt while committing the offence of robbery, it is the submission of the defence counsel submitted that even if there is proof of causing hurt to the PW2, there is no credible evidence to show that the hurt was occasioned by the Defendants. The defence counsel finally concluded by submitting that in view of the prosecution's failure to prove all the element of the offences against the Defendants, this case ought to be dismissed by discharging and acquitting the Defendants.

In response to the submissions of the defence counsel, the prosecuting counsel submitted that by the evidence of PW2 and the statements of the Defendants and **Exhibits 'A' and 'A1'** it is apparent that the prosecution has proved all the elements of the three (3) offences against the Defendants beyond reasonable doubt.

The prosecution counsel submitted that as to the offence of conspiracy, the offence can be inferred from the fact of doing things towards a common and because the crime is usually hatched with utmost secrecy.

- **Aduku V. State (2009) 4NCC350 Ratios 9 and 10**
- **Busari V. State (2015) 11NCC 43 Ratios 3 and 4**
- **Okafar V. State (2016) 13 NCC 395**
- **Salamu V. State (2015) 11 NCC 4**

As to the second count charge, the prosecuting counsel submitted that by the evidence of PW2 who showed this court the scars of the injury inflicted on him by the 1st Defendant whom PW2 pointed, the prosecution has proved all the essential elements of the offence and urge the Court to so hold.

On the 3rd Count charge of robbery, the prosecution counsel submitted that by the evidence of PW2, it has become very clear that a robbery incident against PW2 has taken place during which his Daylong Motorcycle was taken away forcefully by the Defendants and urge the Court to hold that the essential elements have been proved by the prosecution beyond reasonable doubt.

- **Ibrahim V. State (2015) 11 NCC 594 Ratio 5**
- **Emeka V. State (2015) 11 NCC 230**
- **Okanlawon V. State (2016) 2 NCC 469**
- **Kayode V. State (2016) 12 NCC 131**

It was the submission of the prosecution counsel that though the defence counsel argued that the statements of the Defendants were not made voluntarily, PW3 testified to how the Defendants made their statements voluntarily in addition to the fact that the Defendants were

arrested in possession of the motorcycle of PW2 which was released to him later on bond.

She further submitted that the Defendants in their respective statements, stated the roles each of them played in the robbery incident that took place on the 1st of June, 2019 at Kofar Kade Area, Sokoto she further submitted that by the decision of the supreme Court in the case of **KIN V. STATE (1992) 4 NWLR pt 233 p. 17** which enumerated the formal requirements of a voluntary and valid extra-judicial statement, the statements of the Defendants has satisfied all the requirement rendering the statements admissible in evidence and urge the Court to so hold and admit them in evidence.

In conclusion, the prosecuting counsel finally submitted that the prosecuting has discharged the burden placed on it and had proved all the ingredients of the offences against all the Defendants and convict the Defendants as charged.

Having considered the submissions of both the defence counsel and the prosecuting counsel, it is important to state that it is trite law that in criminal trial, it is the duty of the prosecution, to prove its case beyond reasonable doubt against a Defendant who is charges with the allegation of a crime.

- **Ajibade V. State (2013) 8 NCC 22**
- **Smart V. State (2016) LPELR 40827**
- **Akinlolu V. State (2015) LPELR 25986**

This duty upon the prosecution derived its inspiration from the constitutional provision of presumption of innocent in favour of a Defendant charged with allegation of commission of crime guaranteed by Section 36(5) of the CFRN 1999 as amended, and the provisions of

Section 135 of the Evidence Act 2011 which provided that whoever assert the existence of a particular fact, has a duty to prove it.

Before I proceed, let me dispose up the issue of admissibility of the Defendants statements which the defence counsel submitted to have been made involuntarily.

On the 25/11/2020 when the prosecuting counsel sought to tender the statements of the Defendants in evidence, the defence counsel objected because according to him, the Statements were made by the Defendants after they were tortured and therefore involuntarily made.

Consequent upon the foregoing objection, the statement were not admitted in evidence but were left hanging so that both counsel will addresses the Court in their final addresses so that the Court the trial Court will make a pronouncement on the admissibility or other wise of the said confessional statements in the final judgment in compliance with Section 4 of the Sokoto State High Court practice Direction 2020 No.2 issued by the Honourable Chief Judge of Sokoto State pursuant to and in exercise of the powers conferred upon him by section 274 of the CFRN 1999 as amended.

Section 4 of the practice direction provides:-

***“4(1) when a Defendant raise objection to the admissibility of a confessional statement on the ground that it was not voluntarily obtained, the prosecution shall, if it desirous of disputing same, as part of its case, proceed to call witnesses and or adduce evidence to prove that the said statement was obtained voluntarily.*”**

2. The Defendant shall then during his defence and as part of his defence, call witnesses and or adduce evidence to prove that the confessional statement was not obtained voluntarily.

3. The parties shall thereafter include legal arguments with respect to the admissibility or otherwise of the confessional statement in their final addresses and the court shall in the final judgment in the matter, include its ruling on the admissibility or otherwise of the said confessional statement.

The objective and guiding principle upon which the said practice direction was issued, is well stated in section 2 of the practice direction which provides as follows:-

“2. The purpose of this Practice Direction, is to expedite the trial of Criminal cases by eliminating the delay occasioned in the proceedings by stopping the substantive proceedings and conducting trial-within-trial when a Defendant raise objection to the admissibility of a confessional statement on the ground that same was not obtained voluntarily”.

From the foregoing provisions of the practice direction particularly Section 2 which deals with objective and guiding principle, it has become clear that the Practice Direction is no doubt in conformity with the provisions of Section 1 of the ACJL of Sokoto State 2019 in terms of its objective of achieving speedy dispensation of justice in the Administration of Criminal Justice System in the State.

Consequent upon the foregoing, the question one will ask is, has the prosecution lead any evidence to show that the defendants made their respective statements voluntarily?

PW3 one Cpl. Habibu Ladan in his evidence in chief, testified as follows:-

“I know the defendants... I recorded the statements of the 2 defendants in Hausa Language under word of caution. I read the cautionary words to them and they understood and they signed. They voluntarily gave me their statements without duress or torture after which I read over to them, and they understand and signed and I counter signed before I translated them into English Language”.

Responding to the question as to know how he recorded the statements, PW3 further testified as follows:-

“At the time I was recording their statements, I was with Inspr. Rabiul Garba, CPL Kabiru Adamu and some other civilians whom I don’t know”.

The evidence of PW2 as Nasiru Bello and who happened to be the victim of the crime, substantially conforms with the contents of the defendant’s statements. He testified as follows:-

“I know the defendants. I come to know them when I rendered them my Kabu-Kabu services at Gandu Area, Sokoto. On 1/6/2019 precisely during Ramadan fasting, the defendants boarded my

motorcycle to Kofar Kware, Sokoto. After I took them to where they requested me to take them and while I was waiting for them to pay me, one of them inflicted a machete cut on my head and hand and it was the 1st defendant who inflicted the machete cut on me and they forcefully dispossessed me of my motorcycle and it was the 2nd defendant who took the motorcycle, but before they drove away, I shouted and one person in a car followed them, and eventually, the defendants fell in to a ditch. While I was there, one Kabu-kabu operator arrived and I explained to him what happened. He then took me on his motorcycle and informed me that he saw some people who had an accident with a motorcycle and requested me to go there and verify whether it was my motorcycle. So we went there and find out that they were actually the people who dispossessed me of my motorcycle.”

As to whether the defendants were armed with any dangerous weapon, PW2 testified as follows in his evidence in chief:-

“The defendants were armed, one with sword and the other with cutlass”.

The 1st defendant in his statement dated 3/6/2019 stated as follows:-

“On 1/6/2019 at about 0000hrs, I and my friend by name Abubakar Mustapha plan that we will go out to steal. Immediately we stopped one okada rider

and asked him to take us to Kofar Kware Area, on reaching the place we forcefully collected the motorcycle from him, and I used cutlass and cut him on his head and his hand because he was trying to hold the motorcycle. While on our way trying to escape, we had an accident”.

Corroborating the statement of the 1st defendant, the 2nd defendant in his statement dated 3//6/2019, stated as follows:-

“On the 1/6/2019 at about 0000hrs, I and my friend by name Mustapha Muhammed ‘M’ of same address, we agreed to go and steal at that night where we stopped one Okada man with plan to snatch it. We asked him to take us to Kofar Kware Area and he did. On reaching Kofar Kware, then Mustapha Muhammed brought out cutlass and cut the Okada man on his head and hand. While on our way escaping not knowing there is sand in our front, we claimed it and had an accident.”

Although the defence counsel objected to the admissibility of the statements of the defendants on grounds of involuntariness, the 1st defendant in his evidence-in-chief testified to the fact that he never made statement at CID Office, Sokoto while the 2nd defendant alleged making the statement because he was beaten with sticks.

When the defence counsel asked the 1st defendant whether he made statement at CID Office, the 1st defendant as DW1 responded as follows:-

“No, I have not made any statement”.

The 2nd defendant while given his evidence-in-chief as DW2 testified as follows:-

“We were then transferred to CID Office, where I was beaten with sticks”.

However, both 1st and 2nd defendants testified as DW1 and DW2 to the fact that they were all beaten by some unknown people who accused them of stealing the motorcycle and taken to hospital by the police for treatment after they were arrested with various injuries. The 1st defendant testified as follows:-

“I was at abattoir together with Abubakar Mustapha (the 2nd defendant) and he requested me to accompany him to his grandparents’ home, as we were on the way, somebody hit me and Abubakar from behind, and I then asked Abubakar what was happening, he told me that it was some people who were beating us of stealing someone’s motorcycle.”

The 2nd defendant as DW2 also testified as follows:-

“While on our way back and before we reach the main road, I just had somebody hitting me from behind on my head”.

As to the statement of the 1st defendant who denied making any statement at CID office Sokoto while testifying as DW1, the issue of involuntariness does not therefore arise. Because it is trite law that mere retraction of voluntary confessional statement of an accused which was apparently corroborated by other independent evidence (as

in this case), cannot render such statement inadmissible in considering his guilt.

- **Silas Ikpo Vs. the State (1996) 1 NWLR 59 SC.**
- **Ihuebeka Vs. State (2000) 4 Sc Pt 1P 203.**
- **Idowu Vs. State (2000) 7 SC Pt II P 50.**
- **Akpan Vs State (1992) 6 NWLR Pt 248 P 439.**

On the statement of the 2nd defendant, it is trite law that the role of an accused person where he challenges voluntariness of his confessional statement, is to dislodge evidence of the voluntariness by leading evidence that will establish the involuntariness of the statement.

- **Borishade V. FRN (2012) 18 NWLR Pt 1332P 347.**

It is also trite law that in determining the veracity of a confessional statement, a trial court is required to take the following into consideration:-

- i. Is there anything outside the statement to show it is true?
- ii. Is there statement corroborated?
- iii. Are the facts stated in the statement correct as far as they can be tested?
- iv. Did the accused person have the opportunity of committing the offence charged?
- v. Is the confession possible? and
- vi. Is the confession consistent with other facts which have been ascertained and proved?

- **Usman V. State (2010) 6 NWLR pt. 1191 p. 454.**

- **AG Abia State V. AGF (2002) 6 NWLR pt. 763 p. 264.**
- **Akpan V. State (2007) 2 NWLR pt. 1019 p. 500.**
- **Kareem V. FRN (2002) 8 NWLR pt 770 p. 164.**

In consideration of the apparent consistency of the statements of the defendants with other ascertained facts which substantially corroborated the confessional statements, and which tends to show that the confessional statements are true as well the defendants have the opportunity of committing the crime, it is the humble view of this court that the defendants did not only made the statements sought to be tendered by the prosecution, but also made the statements voluntarily. I so hold.

Consequently, the statements of the defendants made on the 3/6/2019 at CID Office, Sokoto sought to be tendered in evidence are hereby admitted in evidence and marked as **Exhibits D, D1 and E and E1** for Hausa and English translated versions of the 1st and 2nd defendants respectively, the objection having been overruled. Having admitted the statements of the defendants in evidence, the next question is whether the prosecution has proved its case beyond reasonable doubt in respect of the offences with which they were arraigned.

From the three (3) counts charges, the defendants were alleged to have committed the offences of ***Criminal Conspiracy, Causing Hurt in committing robbery and robbery*** punishable under Sections 60, 289 and 247(2)(a) of the Sokoto State Penal Code Law, 2019.

As to the first count charge of the offence of ***Criminal Conspiracy***, Section 59(1)(a) and (b) of the Sokoto State Penal Code Law 2019 which defines what constitute ***Conspiracy***, the offence is complete when 2 or more persons agree to do an illegal act.

- Salawu V. State (2016) 12 NCC 1.
- Abacha V. State (2002) 11 NWLR pt. 779 p. 437.
- Obiakor V. State (2002) 10 NWLR pt. 776 p. 612.

From both **Exhibits D, D1 and E and E1** which are the Hausa and English translated versions of the 1st and 2nd defendants' statements made on the 3/6/2019, it is very clear that the defendants agreed between themselves to go out on the night of 1/6/2019 to steal. As earlier quoted in this Judgment, the 1st defendant stated in his statement admitted in evidence as **Exhibit D and D1** for Hausa and English translated versions respectively as follows:-

“On 1/6/2019 at about 0000hrs, I and my friend by name Abubakar Mustapha plan that we will go out to steal.”

Corroborating the foregoing, the 2nd defendant in his statement admitted as **Exhibit E and E1** for Hausa and English translated versions respectively, also stated as follows:-

“On the 1/6/2019 at about 00000hrs, I and my friend Mustapha Muhammed ‘M’ of same address, we agreed to go and steal at that night where we stopped one Okada man with plan to snatch it.”

It is trite law that in a charge of *conspiracy*, all that is necessary, is evidence of agreement to commit an offence, and in the absence of an apparent agreement, evidence of same community efforts on the part of all the accused persons aimed at committing a crime, and once either of these two is established, it will be safe to convict for the offence of *Criminal Conspiracy*.

- **Abacha V. State (2002) 11 NWLR pt. 779 p. 437.**
- **Patric Njovena V. State (1973) 5 SC p. 17 at 263-264.**

From the evidence of PW2 and the confessional statements of the defendants marked as **Exhibits D, D1 and E and E1**, evidence of same community efforts on the part of all the defendants towards or aimed at committing a crime is not only established, but an apparent agreement to commit a crime by all the defendants has also been established. I am therefore in complete agreement with the prosecuting counsel that the prosecution has proved all the elements of the offence of ***Criminal Conspiracy*** punishable under Section 60 of the Sokoto State Penal Code Law 2019 beyond reasonable doubt, and I so hold.

As to the 2nd count charge of ***Causing Hurt*** while committing robbery, by the provision of Section 289 of the Sokoto State Penal Code Law, 2019, the offence is complete when hurt is caused to someone in the cause of committing robbery.

PW2 in his evidence in chief testified before this court as follows:-

“After I took them to where they requested me to take them and while I was waiting for them to pay me, one of them inflicted a matchet cut on my head and hand, and it was the 1st defendant who inflicted the matchet cut on me and they forcefully dispossessed me of my motorcycle.”

As to what they were carrying used in robbing him of his motorcycle, PW2 further testified as follows:-

“The defendants were armed, one with sword and the other cutlass.”

With the foregoing pieces of evidence of PW2 which has not been challenged nor controverted, I agree with the submission of the prosecution that PW2 having been injured by the defendants in the course of committing robbery, the prosecution has proved all the elements of the offence of ***Causing Hurt while committing robbery*** punishable under Section 289 of the Sokoto State Penal Code Law 2019 beyond reasonable doubt, and I so hold.

As to the 3rd count charge in respect of the offence of robbery, the prosecution is required to prove the following elements:-

- i) that there was robbery;
 - ii) that the defendant or one of the defendants was armed with an offensive weapon; and
 - iii) that the defendant participated in the robbery.
- **Egbufor V. State (2019) 15 WRN 60 at 73-74.**
 - **Onyeyemi V. State (2019) 34 WRN 78 at 90-91.**
 - **Sakiru V. State (2019) 29 WRN 109.**
 - **John V. State (2019) 37 WRN 143.**

In **Oyeyemi V. State (Supra)** at p. 91 at paragraph 15, Abdullahi JCA stated the law as follows:-

“The law is that it is not the requirement of the law that all the accused persons must be armed with dangerous weapon, the offence is complete once an offensive weapon is used by either of the accused persons.”

- **Bello V. State (2007) 10 WRN p. 564.**
- **Osetola V. State (2012) 17 NWLR pt. 329 p. 343.**
- **Adekoya V. State (2017) 18 WRN 1.**

From the evidence of PW2 earlier quoted above in this Judgment, the defendants who were armed with a sword and cutlass, forcefully dispossessed him of his Daylong motorcycle after they inflicted matchet cuts on his head and hand. The said pieces of evidence of PW2, was substantially corroborated by the statements of the defendants admitted in evidence and marked as **Exhibits D, D1 and E and E1** for Hausa and English translated versions of the 1st and 2nd defendants respectively.

From the foregoing piece of evidence, it is the humble view of this court that a robbery incident did actually occurred against one Nasiru Bello (PW2) during which the defendants on 1/6/2019 forcefully dispossessed the said Nasiru Bello of his motorcycle after inflicting matchet cuts on his head and hand with a cutlass. I therefore agree with the submission of the prosecuting counsel that the prosecution has proved all the elements of the offence of **Robbery** punishable under Section 287(2)(a) of the Sokoto State Penal Code Law 2019 beyond reasonable doubt and I so hold.

On the whole, I am satisfied that the prosecution has proved all the essential elements of the offences of **Criminal Conspiracy, Causing Hurt while committing robbery and Robbery** punishable under Sections 60, 289 and 247(2)(a) of the Sokoto State Penal Code Law, 2019, and having held as such, it means that the prosecution has proved its case beyond reasonable doubt against the defendants in respect of all the offences.

- **Ayaji V. State (2013) 53 SCQLR pt. II p. 631.**
- **Ikaria V. State (2013) 8 NCC 248.**

- **Alibi V. State (1993) 7 NWLR pt. 307 p. 513.**

Consequent upon the foregoing, I resolve the sole issue formulated in favour of the prosecution and against the defendants.

Accordingly, the prosecution having proved its case beyond reasonable doubt against all the defendants in respect of the said offences, I hereby find you guilty and convict you Mustapha Muhammed and Abubakar Mustapha as charged.

ALLOCUTUS

L.O. Akangbe Esq with C.B. Sarkin Noma Esq: I plead with this court to temper justice with mercy since the subject of robbery has been recovered and released to the victim by being lenient to the convicts by given them lighter sentence. They are sober now and they can use their lives more profitable. The convicts are first time offenders.

Munira Ibrahim PSC: We are not objecting to the plea of leniency made by the defence considering the fact that to the best of our knowledge, the convicts are first time offenders and have been in custody since from the 1st day they were arrested. We therefore have no objection to the plea of leniency.

SENTENCE

By the provisions of Section 310 (3) of the ACJL of Sokoto State, 2019, a trial court after conviction while sentencing a convict, is required to take into consideration all aggravating and mitigating factors or information as a guide in deciding the nature of the sentence to be imposed against the convict.

I have taken into consideration the allocutus made by the defence counsel on behalf of the convict and the response of the prosecuting counsel. I have also taken into consideration that the subject matter of the robbery which is the motorcycle, has been released to the owner PW2 vide **Exhibit 'B'** which is the bond to produce Exhibit as well as the provisions of Section 415 (2) (1c) of the ACJL of Sokoto State 2019 in deciding the nature and extent of the punishment to be imposed against the convict.

In consideration of all the foregoing, the convicts are hereby sentenced to a fine of ₦20,000 each for the offence of *Criminal Conspiracy* or 2 years imprisonment in default, ₦70,000 each for the offence of *Robbery* or 3 years imprisonment in default and ₦30,000 each for the offence of *Causing hurt while committing robbery* or 3 years imprisonment in default. The sentences are to run concurrently with effect from the date they were individually first remanded in prison.

Signed

**Hon. Justice Mohammed Mohammed
(Judge)
20/12/2021**

CERTIFIED TRUE COPY:

FATIMA SAIDU MOH'D
Ag. DIRECTOR LITIGATION
HIGH COURT OF JUSTICE,
SOKOTO.